

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARVIN P. MEYER, Derivatively on Behalf) No. 06-CA-11759-RGS
of SEPRACOR INC.,)
Plaintiff,) PLAINTIFFS' JOINT MOTION TO
vs.) CONSOLIDATE AND TO APPOINT LEAD
Defendants,) PLAINTIFF AND LEAD COUNSEL
– and –)
SEPRACOR INC., a Delaware corporation,)
Nominal Defendant.)
_____))

[Caption continued on following page.]

NORMAN GOGUEN, Derivatively on Behalf of SEPRACOR INC., Plaintiff, vs. TIMOTHY J. BARBERICH, et al., Defendants, – and – SEPRACOR INC., a Delaware corporation, Nominal Defendant.

DENNIS GIAQUINTO, Derivatively on Behalf of SEPRACOR INC., Plaintiff, vs. TIMOTHY J. BARBERICH, et al., Defendants, – and – SEPRACOR INC., a Delaware corporation, Nominal Defendant.

Plaintiffs in the above-captioned actions, to wit, Marvin P. Meyer, Norman Goguen and Dennis Giaquinto, derivatively on behalf of Sepracor Inc. (“Sepracor” or the “Company”), hereby move this Court for an order: (i) consolidating all pending and subsequently-filed derivative stock option backdating actions on behalf of nominal defendant Sepracor; and (ii) appointing Marvin P. Meyer and Norman Goguen Lead Plaintiffs and Lerach Coughlin Stoia Geller Rudman & Robbins LLP (“Lerach Coughlin”) and The Weiser Law Firm, P.C. Lead Counsel. The proposed Order, denominated Case Management Order No. 1, is attached hereto as Exhibit A.

As grounds herefore, plaintiffs state as follows:

1. The above-captioned actions are shareholder derivative actions brought against members of the Board of Directors and certain executive officers of Sepracor on behalf of nominal defendant Sepracor.
2. The above-captioned actions involve common questions of law and fact concerning the defendants’ alleged breaches of fiduciary duties, statutory violations, and other violations of law.
3. The above-captioned actions name the same or substantially similar defendants, contain the same or substantially similar factual allegations, assert the same or substantially similar causes of action, and seek the same or substantially similar relief.
4. Plaintiffs agree that the above-captioned actions should be consolidated, along with any cases filed in this Court that are brought derivatively on behalf of Sepracor and that raise similar issues of law and fact. The proposed Order, however, provides that plaintiffs in any later-filed cases may move for relief from the provisions thereof.

This Motion is supported by Plaintiffs' Joint Memorandum of Points and Authorities and the Declaration of Benny C. Goodman III of Lerach Coughlin in support thereof.

DATED: October 26, 2006

Respectfully submitted,

/s/ Alan L. Kovacs

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CERTIFICATION PURSUANT TO LOCAL RULE 7.1

The undersigned hereby certifies, pursuant to Local Rule 7.1(a)(2), that no Notices of Appearance have been filed by counsel on behalf of the defendants in these matters, nor have the undersigned or my co-counsel been advised as to the identity of counsel who will be representing defendants in these actions, and therefore neither I nor my co-counsel have been able to confer with counsel for defendants in an effort to narrow or resolve the issues presented by the foregoing Motion.

/s/ Alan L Kovacs
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CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Court's Electronic Mail Notice List, and I hereby certify that I have caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Court's Manual Notice List.

/s/ Alan L. Kovacs
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